

MAR 05 2008

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

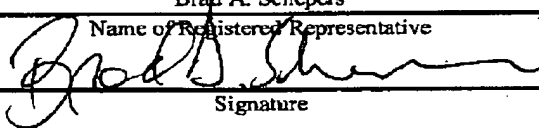
In re patent application of:	)	Before the Examiner:
Bianchi et al.	)	Suzette J. Gherbi
	)	
Application of Serial No. 10/699,175	)	Group Art Unit 3738
	)	
Filed October 31, 2003	)	Ref. No. MSDI-434
	)	
OPEN INTERVERTEBRAL SPACER	)	March 5, 2008

**Via Facsimile Transmission: 571-273-8300****RESPONSE TO NON-FINAL OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated November 5, 2007, please consider the following remarks. The Applicant notes that the finality of the previous Office Action has been withdrawn via a Decision dated February 1, 2008, a copy of which is enclosed herewith. Specifically, the Decision states that "the Nov. 5, 2007 final office action is premature and thus the finality of the action is hereby withdrawn." A fee in the amount of \$120.00 is remitted herewith for a one (1) month extension of time, thereby extending the time period to respond to the non-final Office Action to March 5, 2008. Please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:	
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Signature	
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Date of Signature	

Response to Non-final Office Action  
Application Serial No. 10/699,175  
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**INTRODUCTORY COMMENTS**

Claims 72-135 and 249-361 were pending in the subject application for the non-final Office Action dated November 5, 2007. Claim 135 has been allowed. The remaining claims stand rejected on various grounds. In view of the following remarks, reconsideration and allowance of the subject application are hereby requested.

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